

**REGULAR MEETING
of the
CITY OF RIALTO
CITY COUNCIL
City of Rialto, acting as Successor Agency to the
Redevelopment Agency
RIALTO UTILITIES AUTHORITY**

**MINUTES
November 24, 2015**

A regular meeting of the City Council of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, November 24, 2015.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 5:00 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Baca Jr., Council Members Ed Scott, Ed Palmer and Shawn O'Connell. Also present were City Administrator Michael Story, City Attorney Fred Galante and Deputy City Clerk Maria Rodriguez.

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CLOSED SESSION

1. Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Government Code Section 54956.9. Number of cases: 67 cases
2. Conference with Legal Counsel - Existing Litigation: The City Council will discuss the following pending litigation(s) pursuant to Government Code Section 54956.9(d)(1):
 - (a) City of Colton v. American Promotional Events, Inc., et al CD Cal Case No. ED CV 09-01864 PSG(SSx) and consolidated cases.

CLOSED SESSION

3. Conference with Legal Counsel - Existing Litigation: The City Council will discuss the following pending litigation(s) pursuant to Government Code Section 54956.9(d)(1):
 - (a) Michael Badin v. City of Rialto
WCAB CR-11 -0505034
 - (b) Geoffrey Barrett v. City of Rialto
WCAB CR-92-010001
 - (c) John Black v. City of Rialto
WCAB CR-08-005001
 - (d) Vanessa Bowling v. City of Rialto
WCAB CR-13-005049
 - (e) Timothy Brayshaw v. City of Rialto
WCAB CR-09-005049 & CR-11 -0000004
 - (f) Joseph Cirilo v. City of Rialto
WCAB CR-12-005074
 - (g) Donna Crow v. City of Rialto
WCAB CR-12-005071
 - (h) Tyrone Green v. City of Rialto
WCAB CR-10-0500053 & CR-10-0500054
 - (i) Victor Gregory v. City of Rialto
WCAB CR-03-010003, CR-14-005038 & CR-14-005044
 - (j) Jacquelyn Haynie v. City of Rialto
WCAB CR-14-005052
 - (k) Timothy Heinemeyer v. City of Rialto
WCAB CR-06-00500046
 - (l) Roman Jackson v. City of Rialto
WCAB CR-11 -0505016
 - (m) Andrew Lore v. City of Rialto
WCAB CR-09-0500033 & CR-13-005062
 - (n) James Massey v. City of Rialto
WCAB CR-14-005054 & CR-14-005058
 - (o) Frank Pena v. City of Rialto
WCAB CR-07-00500006
 - (p) Alexander Rodriguez v. City of Rialto
WCAB CR-09-00500029
 - (q) Bianca Rodriguez v. City of Rialto
WCAB CR-06-0500033 & CR-10-0500104
 - (r) Christopher Seelig v. City of Rialto
WCAB CR-09-00500087, CR-13-005057 & CR-16-005022
 - (s) Dand Stordahl v. City of Rialto
WCAB CR-13-005031
 - (t) Timothy Strathman v. City of Rialto
WCAB CR-11 -00505035
 - (u) Kathy Thompson v. City of Rialto
WCAB CR-86-010001
 - (v) Daniel Valenzuela v. City of Rialto
WCAB CR-09-005058
 - (w) Robert Williams v. City of Rialto
WCAB CR-04-00500010, CR-10-050085 & CR-14-005061

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CLOSED SESSION

Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to go into Closed Session at 5:03 pm. City Council returned at 5:46 pm.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 6:04 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Baca Jr., Council Members Ed Scott, Ed Palmer and Shawn O'Connell. Also present were City Administrator Michael Story, Deputy City Clerk Maria Rodriguez and City Attorney Fred Galante.

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Pledge of Allegiance and Invocation

Mayor Pro Tem Joe Baca Jr. led the pledge of allegiance and Pastor Larry Booker, Inland Lighthouse Church gave the Invocation.

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City Attorney's Report on Closed Session

City Attorney Fred Galante stated that City Council met in Closed Session on all items listed on the Agenda.

1. Conference with Legal Counsel – 67 cases of anticipated litigation. City Council received an update and provided direction on one case. No further reportable action was taken.
2. City Council heard a brief update on existing litigation with American Promotional Events. No further reportable action was taken.
3. Conference with real property negotiator concerning the property APN: 0258-102-58, 59, 60&61. Council Member Palmer abstained and left the Closed Session room and did not participate. City Council heard an update and provided direction. No further reportable action was taken.
4. Conference with Legal Counsel – existing litigation. All cases listed on the Agenda a-w. City council heard a report in general on all those matter and no further reportable action was taken.

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PRESENTATIONS AND PROCLAMATIONS

1. Presentation - Rialto Fire Department Operational Update - Fire Chief Mat Fratus
2. Presentation - Pride Platoon Graduation-Captain Randy DeAnda
3. Presentation - Certificate of Recognition 2015 Water Walk Participants - Public Works Director Robert Eisenbeisz

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ORAL COMMUNICATIONS

Lucy Flores, Rialto Baseball Pony League, expressed her concern regarding sharing field usage during the Bud Bender Park Rehabilitation.

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ORAL COMMUNICATIONS

Mayor Pro Tem Baca Jr. stated that he appreciates Ms. Flores coming and voicing her concerns. He wants to make sure the Community Services Director and City Administrator do everything they can to accommodate them. They are in a situation where they are fixing the fields and they are aware of this problem. Rialto Middle School is in bad shape. There are rocks, no pegs for bases or pitchers mounds. They were supposed to be negotiating or having a discussion with the Rialto Unified School District. Hopefully, they can expedite that discussion and at the same time work with them to get those fields. He sees a lot of pressing issues. There are games that they have cancelled because there are no fields as promised. He remembers the promise was that Rialto Park was not going to do anything in the Fall and she would have access. That was the commitment made back in July. He feels they are not doing what they can or keeping their end of the bargain. If they tell someone they are going to do it, they have a duty and responsibility to follow through. Hopefully, they can follow through on these issues. He appreciates them bringing these concerns to City Council.

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Council Member Palmer asked if there was football field and a baseball field? Was football playing on the baseball field?

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Perry Brents, Community Services Director stated they are joined. Right now its primary season for football. Football has their teams and they are playing on all the fields.

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Council Member Palmer stated that if they give them a permit to use on certain days. Football shouldn't be kicking them off. He is not sure they are aware of that.

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Mr. Brents stated that he needed to mitigate that with them last night on this issue. He will deal with Lucy Flores directly and the City Administrator.

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Mayor Pro Tem Baca Jr. stated that he disagrees with Mr. Brents because the football fields and the baseball fields are adjoining. He concurs with Council Member Palmer that they are not adjoining. There is a fence around the football field. Then they have 2 ball fields. He wants to make sure as they make statements publically, they are making correct statements and not deceiving the public. They have a duty and responsibility to be honest with the public. They have 2 ball fields on one side and they have the football field. on the other side.

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ORAL COMMUNICATIONS

City Attorney Galante suggested that they wrap up the conversation because it's not on the Agenda.

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Council Member O'Connell stated referencing the honesty and integrity, he is a little bit offended by that comment and he hates to say that. When they direct it at the staff, it a reflection on them. Any issue when it comes to parks is their responsibility as City Council. They are spending \$3.5 million on the park to upgrade for baseball. They are now having to finish and put those people there at Rialto Park.

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Ms. Flores stated that football is there and their football side is fenced and gated. They don't let anyone over there. They have room over there to put teams but they don't. They choose to come to the other side. They are saving their fields and choose to come to the baseball side for practice.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

1. Waive reading in full, all ordinances considered at this meeting.

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B. APPROVAL OF WARRANT RESOLUTIONS

B.1 Resolution No. 19 (11/13/15)

B.2 Resolution No. 20 (11/20/15)

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C. APPROVAL OF MINUTES

- C.1 Regular City Council Meeting – November 10, 2015

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D. MISCELLANEOUS

- D.1 Request City Council to Approve Agreements between the City and Inland Empire Health Plan (IEHP) and Molina Health Care of California (MHCC) to Identify Certain Health Care Services Provided by the City to MediCal Managed Care Beneficiaries.
- D.2 Request City Council to Award the Purchase of one (1) 2016 Ford F250 4X4 Truck with Service Body to Fairview Ford in the Amount of \$35,106.59.
- D.3 Request City Council to Adopt Resolution No. 6853 Authorizing the Destruction of Certain Municipal Records of the Finance Department.
- D.4 Request City Council, acting as the Successor Agency to the Redevelopment Agency of the City of Rialto, to approve the Second Amendment to the Professional Service Agreement with Stradling, Yocca, Carlson and Rauth for Successor Agency legal services.

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CONSENT CALENDAR

Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to approve the Consent Calendar as presented.

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TAB 1 – Placement of Liens for Delinquent Refuse Collection

Robert Eisenbeisz presented the staff report regarding the Placement of Liens for Delinquent Refuse Collection Accounts for the Second Quarter of 2015.

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Mayor Robertson declared the public hearing open. No one came forward.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by unanimous vote to close the public hearing.

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to Placement of Liens for Delinquent Refuse Collection Accounts for the Second Quarter of 2015.

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TAB 2 - One Water One Watershed (OWOW) 2.0 Plan

Robert Eisenbeisz presented the staff report regarding “One Water One Watershed (OWOW) 2.0 Plan”, the Integrated Regional Water Management Plan (IRWMP) for the Santa Ana River Watershed.

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Mayor Robertson declared the public hearing open. No one came forward.

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to close the public hearing.

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Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to Review and Adopt Resolution No. 6855, adopting the “One Water One Watershed (OWOW) 2.0 Plan”, the Integrated Regional Water Management Plan (IRWMP) for the Santa Ana River Watershed.

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TAB 3 - Tentative Tract Map No. 19916, which is a request to allow a twenty-two (22) lot subdivision of 5.37 gross acres of land on the south side of Casmalia

Gina Gibson, Planning Manager presented the staff report regarding the Tentative Tract Map No. 19916, which is a request to allow a twenty-two (22) lot subdivision of 5.37 gross acres of land (APNs: 1133-591 - 01 & -10) located on the south side of Casmalia Street between Ayala Drive and Spruce Avenue within the Freeway Incubator (FI) zone of the Renaissance Specific Plan.

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Mayor Robertson declared the public hearing open. No one came forward.

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Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to close the public hearing.

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Council Member Palmer stated that he was concerned a few years ago when he looked at it for commercial type, because all the houses across the street faced that site. If they go across Ayala, the houses back up and they have the block wall. He had a concern about keeping the freeway incubator back then. He wouldn't want to have to have his house facing a commercial development so he is in favor of this project.

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Council Member Scott stated that he is just glad to see this project happening. He is going to be extremely interested to see how quickly these houses sell in light of the fact that Lewis claims there is no market for new housing in this area right now.

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Mayor Robertson stated that it seems to be laid out very well, with the exception of the 2 parcels that are to the far East and in the cul-de-sac of Spruce. Would they have their entrance and access be off Spruce?

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Ms. Gibson stated that is correct.

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Mayor Robertson asked what is available in terms of open space or park space?

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Ms. Gibson stated that Jerry Eaves Park would be the closest park. This project is in the Renaissance Specific Plan, and as it states today, the park activity would be bound with the rest of the specific plan. There is a park and a couple of pocket parks being proposed as part of the Specific Plan.

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TAB 3 - Tentative Tract Map No. 19916, which is a request to allow a twenty-two (22) lot subdivision of 5.37 gross acres of land on the south side of Casmalia

The current Specific Plan didn't call for additional housing development. How do they capture revenue or resources to add a park or to go in the park development fund so they can expand other park areas? It's something to think about.

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Gina Gibson stated right now the plan proposes a certain number of homes. There is a proposal to reduce that number of homes. This would not go over the amount that was originally approved. Nevertheless, park land dedication fees would need to be collected for the 20 homes that are there. It's an issue that they do need to make sure they address either in the plan as it is today or if City Council elects to change it at some future date that they incorporate that as well.

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Mayor Pro Tem Baca Jr. asked how much would they collect for the 20 homes?

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Robb Steel, Development Services Director stated about \$70,000.

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Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to Adoption of Resolution No. 6856 approving Tentative Tract Map No. 19916, which is a request to allow a twenty-two (22) lot subdivision of 5.37 gross acres of land (APNs: 1133-591 -01 & -10) located on the south side of Casmalia Street between Ayala Drive and Spruce Avenue within the Freeway Incubator (FI) zone of the Renaissance Specific Plan, and Resolution No. 6857 approving Specific Plan Amendment No. 2 to the Renaissance Specific Plan, which is a request to change the zoning designation of approximately 4.86 gross acres of land (APNs: 1133-591 -01, -04, -09, & -10 (East Portion)) located at the southwest corner of Casmalia Street and Spruce Avenue from Freeway Incubator (FI) to Low Density Residential (LDR), in conjunction with Tentative Tract Map No. 19916. A Mitigated Negative Declaration (Environmental Assessment No. 14-75) has been prepared for the project.

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TAB 4 - Final Construction Work Authorization Water Facility Improvement Project SA - Manhole Rehabilitation

Robert Eisenbeisz, Public Works Director presented the staff report regarding Final Construction Work Authorization in the amount of \$121,863 to Rialto Water Services for the Water Facility Improvement Project SA -Manhole Rehabilitation-Year 3.

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Mayor Robertson asked how many new jobs will this generate.

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**TAB 4 - Final Construction Work
Authorization Water Facility
Improvement Project SA – Manhole
Rehabilitation**

Robert Eisenbeisz, Public Works Director stated that it will not generate new jobs, but maintaining employment of existing employees.

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Motion by Council Member Scott, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to Approve a Final Construction Work Authorization in the amount of \$121,863 to Rialto Water Services for the Water Facility Improvement Project SA - Manhole Rehabilitation-Year 3.

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Council Member Palmer left the meeting at 7:05 p.m.

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REPORTS

City Council gave their reports.

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ADJOURNMENT

Motion by Mayor Pro Tem Baca Jr., second by Council Member O'Connell and carried by a 4-0 vote, Council Member Palmer was absent, to adjourn the City Council meeting at 7:24 p.m. in memory of:

Donald Brosnohan

Father of former Council Member Lynn Hirtz

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